

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKUSDC SPNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: FEB 19 2010
DATE FILED: FEB 19 2010Francis Steiniger

10 Civ. 0282 (LAP)

(In the space above enter the full name(s) of the plaintiff(s).)

AMENDED
COMPLAINT

-against-

1. Internal Revenue Service Jury Trial: Yes No
(check one)2. Executive Office for United
States Attorneys

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

A. List your name, address and telephone number. If you are presently in custody, include your identification number and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name Francis Steiniger
 Street Address Metropolitan Hospital Center
 County, City 1801 FIRST Avenue
 State & Zip Code New York NY 10029
 Telephone Number (646) 241-2493 PRO SE

B. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

PRO SE OFFICE

Defendant No. 1

Name Internal Revenue Service
 Street Address 1111 Constitution Avenue NW
 County, City
 State & Zip Code Washington, D.C. 20224
 Telephone Number

Defendant No. 2

Name Executive Office for United
 Street Address States Attorneys
 County, City
 State & Zip Code 950 Pennsylvania Ave. N.W.
 Telephone Number Washington D.C. 20530

Defendant No. 3

Name
 Street Address
 County, City
 State & Zip Code
 Telephone Number

Defendant No. 4

Name
 Street Address
 County, City
 State & Zip Code
 Telephone Number

II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. Only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case.

A. What is the basis for federal court jurisdiction? (check all that apply)

Federal Questions Diversity of Citizenship

B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue? 5 U.S.C. § 552(a)(4)(B)

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship

Defendant(s) state(s) of citizenship

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Where did the events giving rise to your claim(s) occur? In the State of New York, United States of America.

B. What date and approximate time did the events giving rise to your claim(s) occur? _____

March 13, 2006

April 26, 2005

C. Facts: This is an amended complaint which in all practicality names just one defendant who is the Executive Office for United States Attorneys. The first complaint was interpreted wrong because I was not claiming injury from the Attorney General. I was claiming injury from the Executive Office for the United States Attorneys. I only mention the Attorney General because that is where the summons would go. I already have a separate F.O.I.A. complaint against the T.R.S. Pending a docket number and really do not want to combine the T.R.S. in this complaint with the Executive Office for United States Attorneys. I am only mentioning the T.R.S. for to statutorily the Judge's order of Amending the complaint and the fact that the U.S. Attorney would be defending the T.R.S. anyway! *continue on page marked A. III statement of claim*

IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. _____

Financial since if the financial record is a least \$20.00 or more common sent I could have invested the \$20.00.

Mental the state of New York declare me with a mental illness because I talk about certain missing records that the Executive Office for the United States Attorneys know about!

A. III. Statement of Claim.

Although the amended complaint replaces the first complaint, the same financial tortistic language and actions are still being used by the Executive office for United States Attorneys and also the I.R.S. which the FOIA does not allow to be withheld from an individual United States citizen.

The language in Exhibit marked one uses the language it did possess potentially responsive records at one time. (and in the same paragraph) it has been determined that the records potentially responsive to your request are missing.

B. III Statement of Claim

Exhibit mark two uses the language
We cannot address your question of a
balance due and /or refunds exists.

Although the amended complaint replaces
the first complaint. The same financial
tortistic language and actions of the
causative effect of the Executive
Office for the United States Attorneys
and also the I.R.S. withholding
of records has cause me Francis Steiniger
much Financial Harm, Emotional Distress and
the general lost of the pursuit of
Happiness that will all be proven
on further discovery)

V. Relief:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation. _____

I would like the court to carefully and objectively looks at the facts and the fact that certain agency do not want to show the facts making them to look themselves guilt of a "tort" and grant me compensation in the amount of 3 billion dollars or whatever the court deems just and proper.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 16 day of February, 2010.

Signature of Plaintiff

Mailing Address

Telephone Number

Fax Number (if you have one) _____

Francis Heninger pro SE
Metropolitan Hospital Center
1901 First Avenue
New York, NY 10029
(646) 241-2493

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint. Prisoners must also provide their inmate numbers, present place of confinement, and address.

For Prisoners:

I declare under penalty of perjury that on this _____ day of _____, 20_____, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff: _____

Inmate Number: _____



Office of Information and Privacy

Telephone: (202) 514-3642

Washington, D.C. 20530

Exhibit Marked
One

MAR 13 2006

Mr. Francis Steiniger
886 Irvine Street
Bronx, NY 10474

Re: Appeal No. 05-2076
Request No. 04-1670
BVE:GLB:NSQ

Dear Mr. Steiniger:

You appealed from the action of the Executive Office for United States Attorneys on your request for financial records concerning your criminal case maintained by the United States Attorneys Office for the Southern District of New York.

After carefully considering your appeal, and following discussions between the EOUSA and a member of my staff, it has been determined that the records potentially responsive to your request are missing. Although the EOUSA has advised this Office that it did possess potentially responsive records at one time, the EOUSA cannot presently locate the responsive records. The EOUSA is making every effort to locate these records. If the records are located, the EOUSA will process any responsive records and the nonexempt portions will be released to you. If you are dissatisfied with the EOUSA's ultimate action on any such records, you may appeal again to this Office.

If you are dissatisfied with my action on your appeal, you may seek judicial review in accordance with 5 U.S.C. § 552(a)(4)(B).

Sincerely,

Daniel J. Metcalfe
Director


Janice G. McLeod
Senior Counsel

Library Card Number: **Internal Revenue Service Appeals Office**
Personal Identification Number (PIN): ****
PC: HDLAP-05 M/S 55201
Date: 12/13/2008 5045 E. Butler Ave.
Time: 4:05 PM Fresno, CA 93727-5136

Exhibit marked two

Date: APR 26 2005

Francis Steiniger
415-417 State Street
Brooklyn, NY 11210

Department of the Treasury**Person to Contact:**

Terri Carrillo
Employee ID Number: 78-00022
Tel: (559) 452-3224
Fax: (559) 452-3266

Refer Reply to:

AP:FRS:CO:TC

In Re:

Freedom of Information Act

Disclosure Case Number:

11-2004-00414

Tax Period(s) Ended:

December 31, 1984, 1985, 1990,
1991, 1995, 1996, & 1997

Dear Mr. Steiniger:

This letter is in response to your Freedom of Information Act (FOIA) appeal dated May 17, 2004, in which you sought review of the Brooklyn Disclosure Officer's July 17, 2004, response to your FOIA request.

We have reviewed the Disclosure Officer's response and have determined that the response was appropriate. We are satisfied that a reasonable search for records was performed and that no records were located which are responsive to your request.

We cannot address your question of a balance due and /or refunds exist. We can only address whether the search was reasonable. In regard to the adequacy of a search, an agency must prove that "each document that falls within the class requested either has been produced, is unidentifiable, or is wholly exempt from the Act's inspection requirements." See Sosa v. FBI, No. 93-1126, slip op. at 1 (D.D.C. Nov. 4, 1993). In this case, your request expressly asked for the account information.

We believe that the Disclosure Office has met its burden in regard to the adequacy of the search. The Disclosure Office is obligated to research your account for the documents requested. This was done.

The FOIA requires us to advise you of the judicial remedies granted in the Act. You may file a complaint in the United States District Court for the District in which you reside, or have your principal place of business, or in which the agency records are located, or in the District of Columbia.

Sincerely,

Marge Field
Appeals Team Manager

30/60, PRO-SE, REOPEN

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:10-cv-00282-LAP

Steiniger v. New York State Department of Taxation And
 Finance et al

Assigned to: Judge Loretta A. Preska

Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 01/14/2010

Jury Demand: Plaintiff

Nature of Suit: 440 Civil Rights: Other

Jurisdiction: Federal Question

Plaintiff

Francis Steiniger

represented by **Francis Steiniger**
 Metropolitan Hospital Center
 1901 First Avenue
 New York, NY 10029
 PRO SE

V.

Defendant

**"Commissioner" New York State
 Department of Taxation and Finance
 Collections and Civil Enforcement
 Division**

Defendant

"Commissioner" of Internal Revenue

Defendant

**"Commissioner" or "Attorney
 General" U.S. Dept of Justice Office
 of Information and Privacy "Policy"**

Defendant

**"Attorney General" Executive Office
 for United States Attorneys**

Date Filed	#	Docket Text
01/14/2010	1	DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS. Document filed by Francis Steiniger.(mro) (Entered: 01/22/2010)

01/14/2010	2	COMPLAINT against "Commissioner" New York State Department of Taxation and Finance, "Commissioner" of Internal Revenue, "Commissioner" or "Attorney General" U.S. Dept of Justice Office of Information and Privacy "Policy", "Attorney General" Executive Office for United States Attorneys. Document filed by Francis Steiniger.(mro) (Entered: 01/22/2010)
01/14/2010		Magistrate Judge James C. Francis is so designated. (mro) (Entered: 01/22/2010)
01/14/2010	3	60 DAYS ORDER, The Court grants plaintiff's request to proceed in forma pauperis. For the reasons set forth below, all of the defendants are dismissed from this action. Plaintiff is granted 60 days from the date of this order to amend his complaint. The Court grants plaintiff leave to file an amended complaint to bring FOIA claims against the IRS and the DOJ. Should plaintiff decide to file an amended complaint, it must be submitted to this Court's Pro Se Office within 60 days of the date of this order, be captioned as an "AMENDED COMPLAINT" and bear the same docket number as this order. Plaintiff is advised that the amended complaint will not add to the first complaint but will completely replace the original complaint. In addition, plaintiff must attach a copy of this order to the amended complaint. No summons shall issue at this time, and all further proceedings shall be stayed for 60 days or until plaintiff has complied with this order. If plaintiff fails to comply with this order within the time allowed, the complaint will be dismissed. Once submitted, the amended complaint shall be reviewed for compliance with this order and substantive sufficiency, and then, if proper, the case shall be reassigned to a district judge in accordance with the procedures of the Clerk's Office. As set forth within, all of the defendants are dismissed. 28 U.S.C. 1915(e)(2)(B)(ii), (iii). The Court certifies pursuant to 28 U.S.C. 1915(a) that any appeal from this order would not be taken in good faith. (Signed by Judge Loretta A. Preska on 1/14/2010) (laq) Modified on 1/26/2010 (rdz). (Entered: 01/25/2010)
01/26/2010	4	PRO SE MEMORANDUM dated 1/25/10 re: CHANGE OF ADDRESS for Francis Steiniger. New Address: Metropolitan Hospital Center, 1901 First Avenue, New York, NY, 10029. (mro) (Entered: 01/26/2010)

PACER Service Center			
Transaction Receipt			
02/09/2010 13:01:01			
PACER Login:	us5070	Client Code:	
Description:	Docket Report	Search Criteria:	1:10-cv-00282-LAP
Billable Pages:	2	Cost:	0.16